

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TRAVIS NANEZ,

Plaintiffs,

v.

No. 18-cv-0968 MV/SMV

**EVANGELICAL LUTHERAN
GOOD SAMARITAN SOCIETY,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court the previous judge's Order to Notify Court of Status of Case [Doc. 32], issued on March 10, 2022. Arbitration had been scheduled before Judge Lynch for August 1 through 5, 2022. Accordingly, Plaintiff was ordered to file a Status Report no later than August 12, 2022. *Id.* Plaintiff has failed to do. He and his counsel must show cause why sanctions should not be imposed for failure to follow the Court Order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that, no later than **September 12, 2022**, Plaintiff must show cause, in writing, why he and/or his counsel should not be sanctioned for failure to follow the Court Order [Doc. 32].

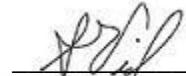
IT IS FURTHER ORDERED that, no later than **September 12, 2022**, Plaintiff file a Status Report, describing the status of the arbitration and the status of this action.

IT IS FURTHER ORDERED that if Plaintiff fails to timely respond to this Order, he may be sanctioned up to and including dismissal of this case without further notice. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962) (courts have inherent power to dismiss cases for lack of prosecution); Fed. R. Civ. P. 16(f) (authorizing sanctions, including dismissal, against

a party who fails to comply with court orders); Fed. R. Civ. P. 41(b) (allowing for involuntary dismissal where “the plaintiff fails to prosecute or to comply with the[] rules [of procedure] or a court order”); *Ehrenhaus v. Reynolds*, 965 F.2d 916, 921 (10th Cir. 1992) (outlining factors to consider in dismissing a case); *see also* D.N.M.LR-Civ. 41.1 (“A civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.”).

IT IS FURTHER ORDERED that, if Plaintiff does not intend to pursue his claim, he may file on the record a stipulation of dismissal signed by Defendant or a request for dismissal by court order. *See* Fed. R. Civ. P. 41(a).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge